



# Waltzer Wiygul Garside

LAW FIRM

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October 2, 2019

**FILED**

**OCT 02 2019**

**MISS. PUBLIC SERVICE  
COMMISSION**

Katherine Collier, Executive Secretary  
Mississippi Public Service Commission  
501 N. West Street, Suite 201A  
Jackson, MS 39201

Re: Docket No. 2019-UA-116  
Petition of Mississippi Power Company for a Certificate of Public  
Convenience and Necessity for Environmental Compliance Activities  
Authorizing the Closure of the Ash Pond, Construction of Low Volume  
Wastewater Treatment Facilities, and Conversion of Bottom Ash  
Collection Facilities for the Plant Victor J. Daniel Electric Generating  
Facility in Jackson County, Mississippi

Dear Ms. Collier:

Enclosed please find the original and twelve (12) copies of the Sierra Club's Reply in Support of Motion to Require Supplementation of the Petition and a Revised Scheduling Order in the above referenced matter. For your convenience, I have enclosed a self-addressed envelope and a copy of the first page of the Comments, which I would appreciate your file stamping and returning to me.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Robert B. Wiygul

RBW/mn

cc: All parties of record (by electronic or U.S. mail)

**FILED**

OCT 02 2019

MISS. PUBLIC SERVICE  
COMMISSION

2019-UA-116

**BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION**

**MISSISSIPPI PUBLIC SERVICE COMMISSION**

**IN RE: PETITION OF MISSISSIPPI POWER COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ENVIRONMENTAL COMPLIANCE ACTIVITIES AUTHORIZING THE CLOSURE OF THE ASH POND, CONSTRUCTION OF LOW VOLUME WASTEWATER TREATMENT FACILITIES, AND CONVERSION OF BOTTOM ASH COLLECTION FACILITIES FOR THE PLANT VICTOR J. DANIEL ELECTRIC GENERATING FACILITY IN JACKSON COUNTY MISSISSIPPI**

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**SIERRA CLUB'S REPLY IN SUPPORT OF MOTION TO REQUIRE  
SUPPLEMENTATION OF THE PETITION AND A REVISED SCHEDULING ORDER**

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Mississippi Power Company's response to the Sierra Club's motion does not contest the following:

- Plant Daniel is going to cost the ratepayer hundreds of millions of dollars if it is kept in service through the 2040s, as Mississippi Power apparently plans to do.
- The plant only runs about 25% of the time, far less than Mississippi Power predicted in the \$315 million Daniel scrubber docket.
- If MPC decides to retire the Daniel units by 2023 the ratepayer can immediately avoid some \$45 million in capital expenditures associated with the Company's proposed coal ash retrofit project.
- The company waited four years after the coal combustion residuals rule to file its plans with the Commission.

Instead of addressing the substance, MPC more or less asserts that the Sierra Club can't be trusted because it is opposed to coal-burning power plants. The Sierra Club is in fact unequivocally opposed to coal-fired power, for very good reasons which include the fact that its toll on human health and the environment far outweighs its benefits.

But the decision the Commission is making here is not the big picture on coal – it's whether ratepayers should sink an extra \$45 million in a plant that doesn't make economic sense to operate, let alone continue investing in. Instead of addressing the facts on that issue, MPC just says the Sierra Club is trying to delay things and raising issues the wrong way.

As addressed in the motion and in the Sierra Club's comments, MPC's attempt to push any consideration of substantive issues to a different docket is wrong on the law and wrong as a practical matter. The law requires, and the ratepayer deserves, to have the expenditures in this docket considered based on the facts as they exist now.

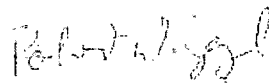
Mississippi Power filed its Reserve Margin Plan in the 2018-AD-145 docket, after that plan was required as part of the Kemper stipulation in the 2017-AD-112 docket. The 2018-AD-145 docket requests no action from the Commission, and was not initiated by order from the Commission. The Commission has never said that the only way to have the actual economic and practical merits of a generating resource considered is to intervene in that docket. That docket has been pending for over a year with no action.

Mississippi Power contends that it must immediately start retrofitting Plant Daniel to comply with a coal ash rule EPA issued in 2015, but MPC waited nearly five years—until 2019—to file the application in this case. MPC now says that the Sierra Club waited six or eight weeks too long to issue discovery, and as a consequence the Commission doesn't need to consider whether the ratepayer ought to pay that extra ~\$45 million.

If the Sierra Club is wrong on the facts – and for the record the Sierra Club was not wrong on the facts in the Kemper proceeding and in the Daniel scrubbers proceeding – a hearing on this certificate based on all the facts is the place that law and fairness require that decision to be made.

Respectfully submitted this 2<sup>nd</sup> day of October, 2019.

Respectfully submitted,  
Mississippi Chapter Sierra Club



By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I, Robert B. Wiygul, counsel for Sierra Club do hereby certify that in compliance with RP6.122(2) of the Commission's Public Utilities Rules of Practice and Procedure (the "Rules").

(1) An original and twelve (12) true and correct copies of the filing have been filed with the Commission by United States Postal Service this date to:

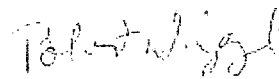
Katherine Collier, Executive Secretary  
Mississippi Public Service Commission  
501 N. West Street, Suite 201-A  
Jackson, MS 39201

(2) An electronic copy of the filing has been filed with the Commission via e-mail to the following address: [efile.psc@psc.state.ms.us](mailto:efile.psc@psc.state.ms.us)

(3) An electronic copy of the filing has been served via e-mail to the following address:

See attached Exhibit A

This the 2<sup>nd</sup> day of October, 2019.



Robert B. Wiygul (MS Bar #7348)  
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## EXHIBIT A

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